

03/13/2003 2 to cl

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID B. CORNEAL AND  
SANDRA Y. CORNEAL

CASE NO. 1:00-CV-1192

vs.

JACKSON TOWNSHIP, Huntingdon  
County, Pennsylvania,  
W. THOMAS WILSON, Individually and  
in his Official Capacity as Supervisor of  
Jackson Township, MICHAEL YODER,  
Individually and in his Official Capacity as  
Supervisor of Jackson Township,  
RALPH WEILER, Individually and in his  
Official Capacity as Supervisor of Jackson  
Township, BARRY PARKS, Individually  
and in His Official Capacity as Sewage  
Enforcement Officer of Jackson Township,  
DAVID VAN DOMMELEN, Individually  
and in his Official Capacity as Building  
Permit Officer, ANN I. WIRTH,  
Individually and in her Official Capacity as  
Secretary of Jackson Township, and

JURY TRIAL DEMANDED

FILED  
HARRISBURG, PA

MAR 13 2003

MARY E. D'ANDREA CLERK  
Per clerk  
Deputy Clerk

**DEFENDANTS' JACKSON TOWNSHIP, W. THOMAS WILSON,  
MICHAEL YODER, RALPH WEILER, BARRY PARKS,  
DAVID VAN DOMMELEN AND ANN I. WIRTH'S  
RESPONSE TO PLAINTIFFS' MOTION TO STRIKE DEFENDANTS'  
MOTION FOR RECONSIDERATION AND IN REPLY TO PLAINTIFFS'  
BRIEF IN OPPOSITION TO DEFENDANTS'  
MOTION FOR RECONSIDERATION**

**NOW COME** Defendants, Jackson Township, W. Thomas Wilson, Michael  
Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth, by and  
through their authorized counsel of record, Mayers, Mennies & Sherr, LLP, and in  
response to Plaintiffs' Motion to Strike Defendants' Motion for Reconsideration state

as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Denied. The allegations contained in ¶4 attempt to characterize a legal writing, which speaks for itself, that is this Court's Order dated December 23, 2003 and on that basis, Plaintiffs' characterizations of the same are denied.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Denied. The allegations contained in ¶9 constitute a conclusion of law to which no responsive pleading is required and on that basis, they are denied.

10. Denied. The allegations contained in ¶10 constitute a conclusion of law to which no responsive pleading is required and on that basis, they are denied.

11. Admitted.


12. Admitted in part and denied in part. It is admitted only that the Third Circuit issued its Opinion on January 14, 2003. It is denied that there is no excuse

for Defendants' alleged untimeliness when the applicable deadlines for the filing of Motions for Reconsideration has already passed prior to the Third Circuit's decision.

13. Denied.

**WHEREFORE**, Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth respectfully request that this Honorable Court deny Plaintiffs' Motion to Strike Defendants' Cross-Motion for Reconsideration as untimely.

**MAYERS, MENNIES & SHERR, LLP**

BY:   
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